

BS99-010

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

JOESPH KNOERLE ET AL.

Serial No.: 09/383,145

Filed: August 26, 1999

For: METHOD AND SYSTEM FOR  
PRESERVING SERVICE NODE  
RESOURCES AND REDUCING  
CLIPPING EFFECT

Art Unit: 2642

Examiner: Karen L. Le

Attention: Ms. Cheryl Carmichael

URGENT via facsimile 703-305-8755

## PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181

ATTN: Box Petitions **\*\*NO FEE\*\***

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the above-identified application be revived and the Notice of Allowance, never received by the undersigned and unidentified in the Notice of Abandonment, be re-mailed to Applicant's representative in view of the following facts:

A. Applicant's representative filed a Notice of Customer Number Record Change in connection with a data upload of pending and granted applications for which the above-identified application was listed with the Electronic Business Center of the USPTO to work in conjunction with the Change of Attorney or Agent's Address in Application with the USPTO on October 22, 2003. A copy of the Notice of Customer Number Record Change for Shaw Pittman under Customer No. 28970 as acknowledged by the USPTO indicating the correct address of the undersigned dated November 26, 2002, December 18, 2002, April 1, 2003 and October 22, 2003 are attached hereto as Exhibit A.

Serial No.: 09/383,145  
Art Unit: 2642

Attorney's Docket No.: BS99-010  
Page 2

B. A recent check of the Patent Application Information Retrieval database (hereinafter "PAIR") revealed that the above-identified application was invalid. A printout of the relevant PAIR data is attached hereto as Exhibit B.

C. On February 9, 2004, Applicant's representative received a Notice of Abandonment for failure to pay Issue Fee as stated in the Notice of Allowance which Paper No. 12 never mentions date of issuance. A telephone call to Ms. Cheryl Carmichael revealed that the correspondence address for this application was not correctly updated in the PALM database and therefor the applicant never received the Notice of Allowance. A check of the mail log for the month of November does not reveal receipt of this paper. A copy of the Notice of Abandonment dated February 4, 2004 is attached hereto as Exhibit C.

In view of the foregoing facts, Applicant respectfully requests that this Petition to Withdraw Holding of Abandonment be granted and that the Notice of Allowance be re-mailed so that Applicant can be given an opportunity to timely pay the Issue Fee.

Should there be any questions with regard to this Petition, a representative of the USPTO is invited to contact the undersigned.

Please charge any Petition fees associated with the reinstatement of the above-identified application to Deposit Account No. 50-1349.

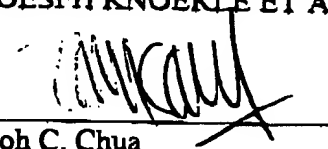
SHAW PITTMAN LLP  
1650 Tysons Boulevard  
McLean, VA 22102  
Tel: 703/770-7900

Date: February 11, 2004

Respectfully submitted,

JOESPH KNOERLE ET AL.

By:

  
Poh C. Chua  
Registration No. 44,615

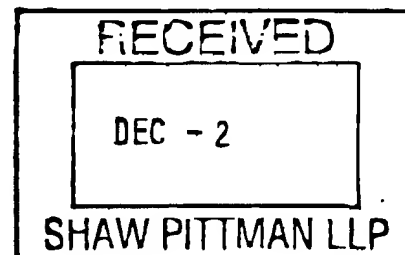
PCC:ymp



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

CUSTOMER  
NUMBER: 28970  
CORRESPONDENCE  
ADDRESS:

IP LAW  
SHAW PITTMAN  
1650 TYSONS BOULEVARD  
MCLEAN, VA 22102



FAX: 703-770-7901  
E-MAIL:

PHONE: 703-770-7900

Date Mailed 11/26/2002

### NOTICE OF CUSTOMER NUMBER RECORD CHANGE

The request to change the information associated with the above-identified Customer Number has been accepted by the Commissioner of Patents and Trademarks

The Customer Number may be used to identify the correspondence address or "fee address" for, and/or the appointed practitioner(s) in, a United States patent application or patent. The correspondence address and registration numbers indicated on this notice reflect the current correspondence address and registration numbers associated with the above-identified Customer Number.

### PRACTITIONER REGISTRATION NUMBER(S) ASSIGNED TO THAT CUSTOMER NUMBER:

31163, 32329, 34542, 34878, 38500, 41009, 41971, 42115  
42956, 43475, 44615, 46271

Patents Electronic Business Center  
(703) 305-3028

PART 1 - ATTORNEY/APPLICANT COPY

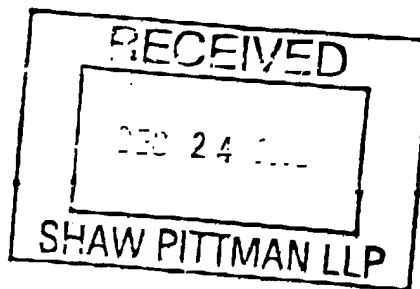




Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

**CUSTOMER  
NUMBER:** 28970  
**CORRESPONDENCE  
ADDRESS:**

IP LAW  
SHAW PITTMAN  
1650 TYSONS BOULEVARD  
MCLEAN, VA 22102



**FAX:** 703-770-7901  
**E-MAIL:**

**PHONE:** 703-770-7900

Date Mailed 12/18/2002

### NOTICE OF CUSTOMER NUMBER RECORD CHANGE

The request to change the information associated with the above-identified Customer Number has been accepted by the Commissioner of Patents and Trademarks.

The Customer Number may be used to identify the correspondence address or "fee address" for, and/or the appointed practitioner(s) in, a United States patent application or patent. The correspondence address and registration numbers indicated on this notice reflect the current correspondence address and registration numbers associated with the above-identified Customer Number.

### PRACTITIONER REGISTRATION NUMBER(S) ASSIGNED TO THAT CUSTOMER NUMBER:

31163, 32329, 34542, 34878, 38500, 41009, 41971, 42115  
42956, 43475, 44615, 46271, 51193.

Patents Electronic Business Center  
(703) 305-3028

PART I - ATTORNEY/APPLICANT COPY

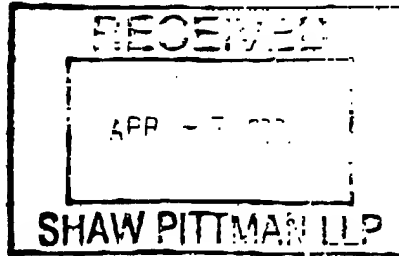


UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

CUSTOMER  
NUMBER: 28970  
CORRESPONDENCE  
ADDRESS:

IP GROUP  
SHAW PITTMAN  
1650 TYSONS BOULEVARD  
MCLEAN, VA 22102



FAX: 703-770-7901  
E-MAIL:

PHONE: 703-770-7900

Date Mailed: 04/01/2003


### NOTICE OF CUSTOMER NUMBER RECORD CHANGE

The request to change the information associated with the above-identified Customer Number has been accepted by the Commissioner of Patents and Trademarks.

The Customer Number may be used to identify the correspondence address or "fee address" for, and/or the appointed practitioner(s) in, a United States patent application or patent. The correspondence address and registration numbers indicated on this notice reflect the current correspondence address and registration numbers associated with the above-identified Customer Number.

### PRACTITIONER REGISTRATION NUMBER(S) ASSIGNED TO THAT CUSTOMER NUMBER:

31163, 32329, 34542, 34878, 38500, 41009, 41971, 42115  
42956, 43475, 44615, 46271, 51193, 52000.

  
Patents Electronic Business Center  
(703) 305-3028

PART I - ATTORNEY/APPLICANT COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
ADDRESS COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, VA 22311-1450  
www.uspto.gov

CUSTOMER  
NUMBER: 28970  
CORRESPONDENCE  
ADDRESS:

SHAW PITTMAN  
IP GROUP  
1650 TYSONS BOULEVARD  
SUITE 1300  
MCLEAN, VA 22102

007 23

FAX: 703-770-7901  
E-MAIL:

PHONE: 703-770-7900

Date Mailed: 10/22/2003

**NOTICE OF CUSTOMER NUMBER RECORD CHANGE**

The request to change the information associated with the above-identified Customer Number has been accepted by the Commissioner of Patents and Trademarks.

The Customer Number may be used to identify the correspondence address or "fee address" for, and/or the appointed practitioner(s) in, a United States patent application or patent. The correspondence address and registration numbers indicated on this notice reflect the current correspondence address and registration numbers associated with the above-identified Customer Number

**PRACTITIONER REGISTRATION NUMBER(S) ASSIGNED TO THAT CUSTOMER NUMBER:**

31163, 32329, 34542, 34878, 38500, 41009, 41971, 42956  
43475, 44615, 46271, 50875, 51193, 52000, 53100, 54063.

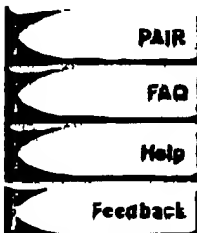
---

*A copy of this notice **MUST** be returned with the reply.*

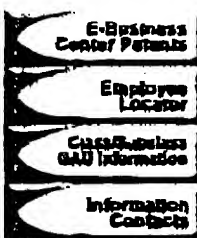
---

Patents Electronic Business Center  
(703) 305-3028

PART 1 - ATTORNEY/APPLICANT COPY

**United States Patent and Trademark Office**[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**PATENT APPLICATION INFORMATION RETRIEVAL**

Sorry, the entered Application Number "09/383,145" is invalid.

**Other Links**[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,145	08/26/1999	JOSEPH MICHAEL KNOERLE	BS99-010	6171

7590

02/04/2004

Brett C Martin  
 1650 Tysons Boulevard  
 McLean, VA 22102

EXAMINER

LE, KAREN L

ART UNIT

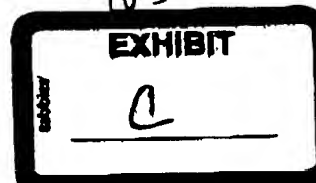
PAPER NUMBER

2642

DATE MAILED: 02/04/2004

P # 12

Please find below and/or attached an Office communication concerning this application or proceeding.



*Kimberly Spears*  
 703-308-9827  
 \* Cheryl Cunningham  
 703-308-9471 (187)





United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO
--------------------	-------------	-----------------------	--------------------

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

ABANDONMENT  
CONTACT PERSON  
TOM HAWKINS  
305-8380

DATE MAILED

## NOTICE OF ABANDONMENT

This application is abandoned in view of:

P. 812

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of (1) a timely filed amendment which places the application in condition for allowance, (2) a timely filed Notice of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.)
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below.)
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$\_\_\_\_\_.
- ☐ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below \_\_\_\_\_  
Persons to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**Respond to the Notice of Abandonment by one of the following:**

**Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA 22313-1450

By facsimile: 703-305-8755 or 703-305-4372

**Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required**

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

**Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website - <http://www.uspto.gov>

**Note:** Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.

**ShawPittman LLP**a Limited Liability Partnership Including Professional Corporation

1/3

TO: Ms. Cheryl Carmichael  
ORGANIZATION: USPTO  
FAX NUMBER: 703-305-8755

DATE: 2/11/04

PHONE NUMBER: 703-770-7550

TOTAL PAGES (INCLUDING COVER): 11

FROM: Yvette Parrish

PHONE NUMBER:

E-MAIL ADDRESS: Yvette.parrish@shawpittman.com

FAX NUMBER: 703-770-7901

TEXT:

---

If you do not receive all pages, please call 703.770.7912

---

**Fax Department Information**

REQUEST TRANSMISSION BY:

CLIENT NUMBER:

TIME TRANSMITTED:

USER ID NUMBER:

---

*This fac message is intended only for the use of the individuals to whom it is addressed. It may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution or copying of any information contained in this communication is strictly prohibited, except to the extent necessary to return this communication to the sender. If you have received this communication in error, please notify us immediately by telephone at 703 770 7912. Thank you.*

---